

Senate File 333 - Reprinted

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1215)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities, and
6 including effective and retroactive applicability date
7 provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 1584SV 82
10 lh/je/5

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1 1 Section 1. Section 2C.11, Code 2007, is amended to read as
1 2 follows:
1 3 2C.11 SUBJECTS FOR INVESTIGATIONS.
1 4 1. An appropriate subject for investigation by the office
1 5 of the citizens' aide is an administrative action that might
1 6 be:
1 7 ~~1.~~ a. Contrary to law or regulation.
1 8 ~~2.~~ b. Unreasonable, unfair, oppressive, or inconsistent
1 9 with the general course of an agency's functioning, even
1 10 though in accordance with law.
1 11 ~~3.~~ c. Based on a mistake of law or arbitrary in
1 12 ascertainment of fact.
1 13 ~~4.~~ d. Based on improper motivation or irrelevant
1 14 consideration.
1 15 ~~5.~~ e. Unaccompanied by an adequate statement of reasons.
1 16 2. The citizens' aide may also be concerned with
1 17 strengthening procedures and practices which lessen the risk
1 18 that objectionable administrative actions will occur.
1 19 Sec. 2. Section 8F.3, subsection 1, paragraph d, Code
1 20 2007, is amended to read as follows:
1 21 d. Information regarding any policies adopted by the
1 22 governing body of the recipient entity that prohibit taking
1 23 adverse employment action against employees of the recipient
1 24 entity who disclose information about a service contract to
1 25 the oversight agency, the auditor of state, the office of the
1 26 attorney general, or the office of citizens' aide and that
1 27 state whether those policies are substantially similar to the
1 28 protection provided to state employees under section 70A.28.
1 29 The information provided shall state whether employees of the
1 30 recipient entity are informed on a regular basis of their
1 31 rights to disclose information to the oversight agency, the
1 32 office of citizens' aide, the auditor of state, or the office
1 33 of the attorney general and the telephone numbers of those
1 34 organizations.
1 35 Sec. 3. Section 10B.7, unnumbered paragraph 1, Code 2007,
2 1 is amended to read as follows:
2 2 Lessees of agricultural land under section 9H.4, subsection
2 3 2, paragraph "c", for research or experimental purposes, shall
2 4 file a biennial report with the secretary of state on or
2 5 before March 31 of each odd-numbered year on forms adopted
2 6 pursuant to chapter 17A and supplied by the secretary of
2 7 state. However, a lessee required to file a biennial report
2 8 pursuant to chapter 490, 490A, 496C, 497, 498, 499, 501, 501A,
2 9 or 504 shall file the report required by this section in the
2 10 same year as required by that chapter. The lessee may file
2 11 the report required by this section together with the biennial
2 12 report required to be filed by one of the other chapters
2 13 referred to in this paragraph. The report shall contain the

2 14 following information for the reporting period:

2 15 Sec. 4. Section 11.2, subsection 1, unnumbered paragraph
2 16 2, Code 2007, is amended to read as follows:

2 17 Provided, that the accounts, records, and documents of the
2 18 ~~treasury department~~ treasurer of state shall be audited daily.

2 19 Sec. 5. Section 15.108, subsection 5, unnumbered paragraph
2 20 2, Code 2007, is amended to read as follows:

2 21 ~~p. The department may establish~~ Establish, if the
2 22 department deems necessary, a revolving fund to receive

2 23 contributions and funds from the product sales center to be
2 24 used for start-up or expansion of tourism special events,
2 25 fairs, and festivals as established by department rule.

2 26 Sec. 6. Section 15E.192, subsection 3, Code 2007, is
2 27 amended to read as follows:

2 28 3. A city may create an economic development enterprise
2 29 zone as authorized in this division, subject to certification
2 30 by the department of economic development, by designating up
2 31 to four square miles of the city for that purpose. In order
2 32 for an enterprise zone to be certified pursuant to this
2 33 subsection, an enterprise zone shall meet the distress
2 34 criteria provided in section 15E.194, subsection 3. Section
2 35 15E.194, subsection 2, shall not apply to an enterprise zone
3 1 certified pursuant to this subsection. For the fiscal period
3 2 beginning July 1, 2007, and ending June 30, 2010, each fiscal
3 3 year a cumulative total of not more than twenty-five million
3 4 dollars worth of incentives and assistance under section
3 5 15E.196, subsections 1, 2, 3, 4, and 6, shall be awarded to
3 6 eligible businesses ~~applying that apply~~ to an enterprise zone
3 7 commission for incentives and assistance during that fiscal
3 8 year and that are located in an enterprise zone certified
3 9 pursuant to this subsection. For purposes of this subsection
3 10 and section 15E.194, subsection 3, "city" means a city that
3 11 includes at least three census tracts, as determined in the
3 12 most recent federal census.

3 13 Sec. 7. Section 15E.193, subsection 1, paragraph f, Code
3 14 2007, is amended to read as follows:

3 15 f. If the business is only partially located in an
3 16 enterprise zone, the business must be located on contiguous
3 17 parcels of land.

3 18 Sec. 8. Section 15E.197, Code 2007, is amended to read as
3 19 follows:

3 20 15E.197 NEW JOBS CREDIT FROM WITHHOLDING.

3 21 An eligible business may enter into an agreement with the
3 22 department of revenue and a community college for a
3 23 supplemental new jobs credit from withholding from jobs
3 24 created under the program. The agreement shall be for program
3 25 services for an additional job training project, as defined in
3 26 chapter 260E.

3 27 PARAGRAPH DIVIDED. 1. The agreement shall provide for the
3 28 following:

3 29 ~~1-~~ a. That the project shall be administered in the same
3 30 manner as a project under chapter 260E and that a supplemental
3 31 new jobs credit from withholding in an amount equal to one and
3 32 one-half percent of the gross wages paid by the eligible
3 33 business pursuant to section 422.16 is authorized to fund the
3 34 program services for the additional project.

3 35 ~~2-~~ b. That the supplemental new jobs credit from
4 1 withholding shall be collected, accounted for, and may be
4 2 pledged by the community college in the same manner as
4 3 described in section 260E.5.

4 4 ~~3-~~ 2. ~~That the~~ The auditor of state shall perform an
4 5 annual audit regarding how the training funds are being used.

4 6 3. To provide funds for the payment of the costs of the
4 7 additional project, a community college may borrow money,
4 8 issue and sell certificates, and secure the payment of the
4 9 certificates in the same manner as described in section
4 10 260E.6, including but not limited to providing the assessment
4 11 of an annual levy as described in section 260E.6, subsection
4 12 4. The program and credit authorized by this section is in
4 13 addition to, and not in lieu of, the program and credit
4 14 authorized in chapter 260E.

4 15 4. For purposes of this section, "eligible business" means
4 16 a business which has been approved to receive incentives and
4 17 assistance by the department of economic development pursuant
4 18 to application as provided in section 15E.195.

4 19 Sec. 9. Section 15G.203, subsections 1 and 3, Code 2007,
4 20 are amended to read as follows:

4 21 1. The purpose of the program is to improve ~~a~~ retail motor
4 22 fuel ~~site~~ sites by installing, replacing, or converting motor
4 23 fuel storage and dispensing infrastructure. The
4 24 infrastructure must be designed and shall be used exclusively

4 25 to store and dispense renewable fuel which is E-85 gasoline,
4 26 biodiesel, or biodiesel blended fuel on the premises of retail
4 27 motor fuel sites operated by retail dealers.

4 28 3. To ~~all the extent practical practicable~~, the program
4 29 shall be administered in conjunction with the programs
4 30 provided in section 15.401.

4 31 Sec. 10. Section 15G.204, subsection 2, Code 2007, is
4 32 amended to read as follows:

4 33 2. To ~~all the extent practical practicable~~, the program
4 34 shall be administered in conjunction with the programs
4 35 provided in section 15.401.

5 1 Sec. 11. Section 22.7, subsection 52, Code 2007, is
5 2 amended to read as follows:

5 3 52. a. The following records relating to a charitable
5 4 donation made to a foundation acting solely for the support of
5 5 an institution governed by the state board of regents, to a
5 6 foundation acting solely for the support of an institution
5 7 governed by chapter 260C, to a private foundation as defined
5 8 in section 509 of the Internal Revenue Code organized for the
5 9 support of a government body, or to an endow Iowa qualified
5 10 community foundation, as defined in section 15E.303, organized
5 11 for the support of a government body:

5 12 ~~a-~~ (1) Portions of records that disclose a donor's or
5 13 prospective donor's personal, financial, estate planning, or
5 14 gift planning matters.

5 15 ~~b-~~ (2) Records received from a donor or prospective donor
5 16 regarding such donor's prospective gift or pledge.

5 17 ~~c-~~ (3) Records containing information about a donor or a
5 18 prospective donor in regard to the appropriateness of the
5 19 solicitation and dollar amount of the gift or pledge.

5 20 ~~d-~~ (4) Portions of records that identify a prospective
5 21 donor and that provide information on the appropriateness of
5 22 the solicitation, the form of the gift or dollar amount
5 23 requested by the solicitor, and the name of the solicitor.

5 24 ~~e-~~ (5) Portions of records disclosing the identity of a
5 25 donor or prospective donor, including the specific form of
5 26 gift or pledge that could identify a donor or prospective
5 27 donor, directly or indirectly, when such donor has requested
5 28 anonymity in connection with the gift or pledge. This
5 29 ~~paragraph subparagraph~~ does not apply to a gift or pledge from
5 30 a publicly held business corporation.

5 31 ~~f-~~ b. The confidential records described in ~~paragraphs~~
5 32 ~~"a" through "e"~~ paragraph "a", subparagraphs (1) through (5),

5 33 shall not be construed to make confidential those portions of
5 34 records disclosing any of the following:

5 35 (1) The amount and date of the donation.

6 1 (2) Any donor-designated use or purpose of the donation.

6 2 (3) Any other donor-imposed restrictions on the use of the
6 3 donation.

6 4 (4) When a pledge or donation is made expressly
6 5 conditioned on receipt by the donor, or any person related to
6 6 the donor by blood or marriage within the third degree of
6 7 consanguinity, of any privilege, benefit, employment, program
6 8 admission, or other special consideration from the government
6 9 body, a description of any and all such consideration offered
6 10 or given in exchange for the pledge or donation.

6 11 ~~g-~~ c. Except as provided in ~~paragraphs "a" through "f"~~
6 12 paragraphs "a" and "b", portions of records relating to the
6 13 receipt, holding, and disbursement of gifts made for the
6 14 benefit of regents institutions and made through foundations
6 15 established for support of regents institutions, including but
6 16 not limited to written fund-raising policies and documents
6 17 evidencing fund-raising practices, shall be subject to this
6 18 chapter.

6 19 d. This subsection does not apply to a report filed with
6 20 the ethics and campaign disclosure board pursuant to section
6 21 8.7.

6 22 Sec. 12. Section 29A.28, subsection 1, Code 2007, is
6 23 amended to read as follows:

6 24 1. All officers and employees of the state, ~~or~~ a
6 25 subdivision thereof, or a municipality, other than employees
6 26 employed temporarily for six months or less, who are members
6 27 of the national guard, organized reserves or any component
6 28 part of the military, naval, or air forces or nurse corps of
6 29 this state or nation, or who are or may be otherwise inducted
6 30 into the military service of this state or of the United
6 31 States, or who are members of the civil air patrol, shall,
6 32 when ordered by proper authority to state active duty, state
6 33 military service, or federal service, or when performing a
6 34 civil air patrol mission pursuant to section 29A.3A, be
6 35 entitled to a leave of absence from such civil employment for

7 1 the period of state active duty, state military service,
7 2 federal service, or civil air patrol duty without loss of
7 3 status or efficiency rating, and without loss of pay during
7 4 the first thirty days of such leave of absence. Where state
7 5 active duty, state military service, federal service, or civil
7 6 air patrol duty is for a period of less than thirty days, a
7 7 leave of absence under this section shall only be required for
7 8 those days that the civil employee would normally perform
7 9 services for the state, subdivision of the state, or a
7 10 municipality.

7 11 Sec. 13. Section 29A.57, subsection 2, Code 2007, is
7 12 amended to read as follows:

7 13 2. The board may acquire land or real estate by purchase,
7 14 contract for purchase, gift, or bequest and acquire, own,
7 15 contract for the construction of, erect, purchase, maintain,
7 16 alter, operate, and repair installations and facilities of the
7 17 Iowa ~~army~~ national guard and the Iowa air national guard when
7 18 funds for the installations and facilities are made available
7 19 by the federal government, the state of Iowa, municipalities,
7 20 corporations or individuals. The title to the property so
7 21 acquired shall be taken in the name of the state of Iowa and
7 22 the real estate may be sold or exchanged by the executive
7 23 council, upon recommendation of the board, when it is no
7 24 longer needed for the purpose for which it was acquired.
7 25 Income or revenue derived from the sale of the real estate
7 26 shall be credited to the national guard facilities improvement
7 27 fund and used for the purposes specified in section 29A.14,
7 28 subsection 2.

7 29 Sec. 14. Section 35A.10, subsection 2, Code 2007, is
7 30 amended to read as follows:

7 31 2. The commandant and the commission shall have plans and
7 32 specifications prepared by the department of administrative
7 33 services for authorized construction, repair, or improvement
7 34 projects in excess of the competitive bid threshold in section
7 35 26.3, or as established in section 314.1B. An appropriation
8 1 for a project shall not be expended until the department of
8 2 administrative services has adopted plans and specifications
8 3 and has completed a detailed estimate of the cost of the
8 4 project, prepared under the supervision of a registered
8 5 architect or ~~registered~~ licensed professional engineer.

8 6 Sec. 15. Section 68B.32A, subsection 4, Code 2007, is
8 7 amended to read as follows:

8 8 4. Receive and file registration and ~~reporting reports~~
8 9 from lobbyists of the executive branch of state government,
8 10 client disclosure from clients of lobbyists of the executive
8 11 branch of state government, personal financial disclosure
8 12 information from officials and employees in the executive
8 13 branch of state government who are required to file personal
8 14 financial disclosure information under this chapter, and gift,
8 15 bequest, and grant disclosure information ~~from an agency~~
8 16 pursuant to section 8.7. The board, upon its own motion, may
8 17 initiate action and conduct a hearing relating to reporting
8 18 requirements under this chapter or section 8.7.

8 19 Sec. 16. Section 68B.32B, subsection 1, Code 2007, is
8 20 amended to read as follows:

8 21 1. Any person may file a complaint alleging that a
8 22 candidate, committee, person holding a state office in the
8 23 executive branch of state government, employee of the
8 24 executive branch of state government, or other person has
8 25 committed a violation of chapter 68A or rules adopted by the
8 26 board. Any person may file a complaint alleging that a person
8 27 holding a state office in the executive branch of state
8 28 government, an employee of the executive branch of state
8 29 government, or a lobbyist or a client of a lobbyist of the
8 30 executive branch of state government has committed a violation
8 31 of this chapter or rules adopted by the board. Any person may
8 32 file a complaint alleging ~~that an agency has committed a~~
8 33 violation of section 8.7 or rules adopted by the board. The
8 34 board shall prescribe and provide forms for purposes of this
8 35 subsection. A complaint must include the name and address of
9 1 the complainant, a statement of the facts believed to be true
9 2 that form the basis of the complaint, including the sources of
9 3 information and approximate dates of the acts alleged, and a
9 4 certification by the complainant under penalty of perjury that
9 5 the facts stated to be true are true to the best of the
9 6 complainant's knowledge.

9 7 Sec. 17. Section 68B.32C, subsection 3, Code 2007, is
9 8 amended to read as follows:

9 9 3. Upon a finding by the board that the party charged has
9 10 violated this chapter, chapter 68A, section 8.7, or rules
9 11 adopted by the board, the board may impose any penalty

9 12 provided for by section 68B.32D. Upon a final decision of the
9 13 board finding that the party charged has not violated this
9 14 chapter, chapter 68A, section 8.7, or the rules of the board,
9 15 the complaint shall be dismissed and the party charged and the
9 16 original complainant, if any, shall be notified.

9 17 Sec. 18. Section 70A.28, subsection 6, Code 2007, is
9 18 amended to read as follows:

9 19 6. Subsection 2 may also be enforced by an employee
9 20 through an administrative action pursuant to the requirements
9 21 of this subsection if the employee is not a merit system
9 22 employee or an employee covered by a collective bargaining
9 23 agreement. An employee eligible to pursue an administrative
9 24 action pursuant to this subsection who is discharged,
9 25 suspended, demoted, or otherwise ~~reduced~~ receives a reduction
9 26 in pay and who believes the adverse employment action was
9 27 taken as a result of the employee's disclosure of information
9 28 that was authorized pursuant to subsection 2, may file an
9 29 appeal of the adverse employment action with the public
9 30 employment relations board within thirty calendar days
9 31 following the later of the effective date of the action or the
9 32 date a finding is issued to the employee by the office of the
9 33 citizens' aide pursuant to section 2C.11A. The findings
9 34 issued by the citizens' aide may be introduced as evidence
9 35 before the public employment relations board. The employee
10 1 has the right to a hearing closed to the public, but may
10 2 request a public hearing. The hearing shall otherwise be
10 3 conducted in accordance with the rules of the public
10 4 employment relations board and the Iowa administrative
10 5 procedure Act, chapter 17A. If the public employment
10 6 relations board finds that the action taken ~~by the person~~
~~10 7 appointing in regard to~~ the employee was in violation of
10 8 subsection 2, the employee may be reinstated without loss of
10 9 pay or benefits for the elapsed period, or the public
10 10 employment relations board may provide other appropriate
10 11 remedies. Decisions by the public employment relations board
10 12 constitute final agency action.

10 13 Sec. 19. Section 80.34, Code 2007, is amended to read as
10 14 follows:

10 15 80.34 PEACE OFFICER == AUTHORITY.

10 16 An authorized peace officer of the department designated to
10 17 conduct examinations, investigations, or inspections and
10 18 enforce the laws relating to controlled or counterfeit
10 19 substances shall have all the authority of other peace
10 20 officers and may arrest a person without warrant for offenses
10 21 under this chapter committed in the peace officer's presence
10 22 or, in the case of a felony, if the peace officer has probable
10 23 cause to believe that the person arrested has committed or is
10 24 committing such offense. A peace officer of the department
10 25 shall have the same authority as other peace officers to seize
10 26 controlled or counterfeit substances or articles used in the
10 27 manufacture or sale of controlled or counterfeit substances
10 28 which they have reasonable grounds to believe are in violation
10 29 of law. Such controlled or counterfeit substances or articles
10 30 shall be subject to ~~condemnation~~ forfeiture.

10 31 Sec. 20. Section 100C.10, subsection 2, paragraph d, Code
10 32 2007, is amended to read as follows:

10 33 d. One professional engineer or architect licensed or
10 34 registered in the state.

10 35 Sec. 21. Section 103A.19, Code 2007, is amended to read as
11 1 follows:

11 2 103A.19 ADMINISTRATION AND ENFORCEMENT.

11 3 1. The examination and approval or disapproval of plans
11 4 and specifications, the issuance and revocation of building
11 5 permits, licenses, certificates, and similar documents, the
11 6 inspection of buildings or structures, and the administration
11 7 and enforcement of building regulations shall be the
11 8 responsibility of the governmental subdivisions of the state
11 9 and shall be administered and enforced in the manner
11 10 prescribed by local law or ordinance. All provisions of law
11 11 relating to the administration and enforcement of local
11 12 building regulations in any governmental subdivision shall be
11 13 applicable to the administration and enforcement of the state
11 14 building code in the governmental subdivision. An application
11 15 made to a local building department or to a state agency for
11 16 permission to construct a building or structure pursuant to
11 17 the provisions of the state building code shall, in addition
11 18 to any other requirement, be signed by the owner or the
11 19 owner's authorized agent, and shall contain the address of the
11 20 owner, and a statement that the application is made for
11 21 permission to construct in accordance with the provisions of
11 22 the code.

11 23 2. In aid of administration and enforcement of the state
11 24 building code, and in addition to and not in limitation of
11 25 powers vested in them by law, each governmental subdivision of
11 26 the state may:

11 27 1- a. Examine and approve or disapprove plans and
11 28 specifications for the construction of any building or
11 29 structure, the construction of which is pursuant or purports
11 30 to be pursuant to the provisions of the state building code,
11 31 and to direct the inspection of buildings or structures during
11 32 the course of construction.

11 33 2- b. Require that the construction of any building or
11 34 structure shall be in accordance with the applicable
11 35 provisions of the state building code, subject, however, to
12 1 the powers granted to the board of review in section 103A.16.

12 2 3- c. Order in writing any person to remedy any condition
12 3 found to exist in, or about any building or structure in
12 4 violation of the state building code. Orders may be served
12 5 upon the owner or the owner's authorized agent personally or
12 6 by certified mail at the address set forth in the application
12 7 for permission to construct a building or structure. Any
12 8 local building department may grant in writing such time as
12 9 may be reasonably necessary for achieving compliance with an
12 10 order.

12 11 4- d. Issue certificates of occupancy or use, permits,
12 12 licenses, and other documents in connection with the
12 13 construction of buildings or structures as may be required by
12 14 ordinance.

12 15 A certificate of occupancy or use for a building or
12 16 structure constructed in accordance with the provisions of the
12 17 state building code shall certify that the building or
12 18 structure conforms to the requirements of the code. The
12 19 certificate shall be in the form the governing body of the
12 20 governmental subdivision prescribes.

12 21 Every certificate of occupancy or use shall, until set
12 22 aside or vacated by the board of review, director, or a court
12 23 of competent jurisdiction, be binding and conclusive upon all
12 24 state and local agencies, as to all matters set forth and no
12 25 order, direction, or requirement at variance therewith shall
12 26 be made or issued by any other state or local agency.

12 27 5- e. Make, amend, and repeal rules for the
12 28 administration and enforcement of the provisions of this
12 29 section, and for the collection of reasonable fees in
12 30 connection therewith.

12 31 6- f. Prohibit the commencement of construction until a
12 32 permit has been issued by the local building department after
12 33 a showing of compliance with the requirements of the
12 34 applicable provisions of the state building code.

12 35 3. The specifications for all buildings to be constructed
13 1 after July 1, 1977, and which exceed a total volume of one
13 2 hundred thousand cubic feet of enclosed space that is heated
13 3 or cooled shall be reviewed by a registered architect or
13 4 ~~registered~~ licensed engineer for compliance with applicable
13 5 energy efficiency standards. A statement that a review has
13 6 been accomplished and that the design is in compliance with
13 7 the energy efficiency standards shall be signed and sealed by
13 8 the responsible registered architect or ~~registered~~ licensed
13 9 engineer. This statement shall be filed with the commissioner
13 10 prior to construction. If the specifications relating to
13 11 energy efficiency for a specific structure have been approved,
13 12 additional buildings may be constructed from those same plans
13 13 and specifications without need of further approval if
13 14 construction begins within five years of the date of approval.
13 15 Alterations of a structure which has been previously approved
13 16 shall not require a review because of these changes, provided
13 17 the basic structure remains unchanged.

13 18 Sec. 22. Section 103A.21, subsection 1, Code 2007, is
13 19 amended to read as follows:

13 20 1. Any person served with an order pursuant to the
13 21 provisions of section 103A.19, subsection 3 2, paragraph "c",
13 22 who fails to comply with the order within thirty days after
13 23 service or within the time fixed by the local building
13 24 department for compliance, whichever is longer, and any owner,
13 25 builder, architect, tenant, contractor, subcontractor,
13 26 construction superintendent or their agents, or any other
13 27 person taking part or assisting in the construction or use of
13 28 any building or structure who shall knowingly violate any of
13 29 the applicable provisions of the state building code or any
13 30 lawful order of a local building department made thereunder,
13 31 shall be guilty of a simple misdemeanor.

13 32 Sec. 23. Section 123.53, subsection 3, Code 2007, is
13 33 amended to read as follows:

13 34 3. The treasurer of state shall transfer into a special
13 35 revenue account in the general fund of the state, a sum of
14 1 money at least equal to seven percent of the gross amount of
14 2 sales made by the division from the beer and liquor control
14 3 fund on a monthly basis but not less than nine million dollars
14 4 annually. Of the amounts transferred, two million dollars,
14 5 plus an additional amount determined by the general assembly,
14 6 shall be appropriated to the Iowa department of public health
14 7 ~~for use by the~~ staff who administer the comprehensive
14 8 substance abuse program under chapter 125 ~~to be used~~ for
14 9 substance abuse treatment and prevention programs. Any
14 10 amounts received in excess of the amounts appropriated to the
14 11 Iowa department of public health for use by the staff who
14 12 administer the comprehensive substance abuse program under
14 13 chapter 125 shall be considered part of the general fund
14 14 balance.

14 15 Sec. 24. Section 124.401, subsection 1, paragraph b,
14 16 subparagraph (2), subparagraph subdivisions (a), (b), and (c),
14 17 Code 2007, are amended to read as follows:

14 18 (a) Coca leaves, except coca leaves and extracts of coca
14 19 leaves from which cocaine, ecgonine, and derivatives of
14 20 ecgonine ~~or~~ and their salts have been removed.

14 21 (b) Cocaine, its salts, optical and geometric isomers, ~~and~~
14 22 or salts of isomers.

14 23 (c) Ecgonine, its derivatives, their salts, isomers, ~~and~~
14 24 or salts of isomers.

14 25 Sec. 25. Section 124.552, subsection 1, paragraphs c and
14 26 d, Code 2007, are amended to read as follows:

14 27 c. ~~Prescriber~~ Prescribing practitioner identification.

14 28 d. The date the prescription was issued by the ~~prescriber~~
14 29 prescribing practitioner.

14 30 Sec. 26. Section 124.552, subsection 4, Code 2007, is
14 31 amended to read as follows:

14 32 4. This section shall not apply to a ~~prescriber~~
14 33 prescribing practitioner furnishing, dispensing, supplying, or
14 34 administering drugs to the ~~prescriber's~~ prescribing
14 35 practitioner's patient, or to dispensing by a licensed
15 1 pharmacy for the purposes of inpatient hospital care,
15 2 inpatient hospice care, or long-term residential facility
15 3 patient care.

15 4 Sec. 27. Section 124.553, subsection 1, paragraph a, Code
15 5 2007, is amended to read as follows:

15 6 a. (1) A pharmacist or ~~prescriber~~ prescribing
15 7 practitioner who requests the information and certifies in a
15 8 form specified by the board that it is for the purpose of
15 9 providing medical or pharmaceutical care to a patient of the
15 10 pharmacist or ~~prescriber~~ prescribing practitioner. Neither a
15 11 pharmacist nor a ~~prescriber~~ prescribing practitioner may
15 12 delegate program information access to another individual.

15 13 (2) Notwithstanding subparagraph (1), a ~~prescriber~~
15 14 prescribing practitioner may delegate program information
15 15 access to another licensed health care professional only in
15 16 emergency situations where the patient would be placed in
15 17 greater jeopardy if the ~~prescriber~~ prescribing practitioner
15 18 was required to access the information personally.

15 19 Sec. 28. Section 124.553, subsections 6 and 7, Code 2007,
15 20 are amended to read as follows:

15 21 6. Nothing in this section shall require a pharmacist or
15 22 ~~prescriber~~ prescribing practitioner to obtain information
15 23 about a patient from the program. A pharmacist or ~~prescriber~~
15 24 prescribing practitioner does not have a duty and shall not be
15 25 held liable in damages to any person in any civil or
15 26 derivative criminal or administrative action for injury,
15 27 death, or loss to person or property on the basis that the
15 28 pharmacist or ~~prescriber~~ prescribing practitioner did or did
15 29 not seek or obtain or use information from the program. A
15 30 pharmacist or ~~prescriber~~ prescribing practitioner acting
15 31 reasonably and in good faith is immune from any civil,
15 32 criminal, or administrative liability that might otherwise be
15 33 incurred or imposed for requesting or receiving or using
15 34 information from the program.

15 35 7. The board shall not charge a fee to a pharmacy,
16 1 pharmacist, or ~~prescriber~~ prescribing practitioner for the
16 2 establishment, maintenance, or administration of the program,
16 3 including costs for forms required to submit information to or
16 4 access information from the program, except that the board may
16 5 charge a fee to an individual who requests the individual's
16 6 own program information. A fee charged pursuant to this
16 7 subsection shall not exceed the actual cost of providing the
16 8 requested information and shall be considered a repayment
16 9 receipt as defined in section 8.2.

16 10 Sec. 29. Section 124.554, subsection 1, paragraphs g and
16 11 h, Code 2007, are amended to read as follows:

16 12 g. Including all schedule II controlled substances and
16 13 those substances in schedules III and IV that the advisory
16 14 council and board determine can be addictive or fatal if not
16 15 taken under the proper care and direction of a ~~prescriber~~
16 16 prescribing practitioner.

16 17 h. Access by a pharmacist or ~~prescriber~~ prescribing
16 18 practitioner to information in the program pursuant to a
16 19 written agreement with the board and advisory council.

16 20 Sec. 30. Section 124.554, subsection 2, paragraphs b and
16 21 c, Code 2007, are amended to read as follows:

16 22 b. Information from pharmacies, ~~prescribers~~ prescribing
16 23 practitioners, the board, the advisory council, and others
16 24 regarding the benefits or detriments of the program.

16 25 c. Information from pharmacies, ~~prescribers~~ prescribing
16 26 practitioners, the board, the advisory council, and others
16 27 regarding the board's effectiveness in providing information
16 28 from the program.

16 29 Sec. 31. Section 124.555, subsection 1, Code 2007, is
16 30 amended to read as follows:

16 31 1. The council shall consist of eight members appointed by
16 32 the governor. The members shall include three licensed
16 33 pharmacists, four physicians licensed under chapter 148, 150,
16 34 or 150A, and one licensed ~~prescriber~~ prescribing practitioner
16 35 who is not a physician. The governor shall solicit
17 1 recommendations for council members from Iowa health
17 2 professional licensing boards, associations, and societies.
17 3 The license of each member appointed to and serving on the
17 4 advisory council shall be current and in good standing with
17 5 the professional's licensing board.

17 6 Sec. 32. Section 124.555, subsection 3, paragraphs a and
17 7 d, Code 2007, are amended to read as follows:

17 8 a. Ensuring the confidentiality of the patient, ~~prescriber~~
17 9 prescribing practitioner, and dispensing pharmacist and
17 10 pharmacy.

17 11 d. Making recommendations regarding the continued benefits
17 12 of maintaining the program in relationship to cost and other
17 13 burdens to the patient, ~~prescriber~~ prescribing practitioner,
17 14 pharmacist, and the board. The council's recommendations
17 15 shall be included in reports required by section 124.554,
17 16 subsection 2.

17 17 Sec. 33. Section 124.556, Code 2007, is amended to read as
17 18 follows:

17 19 124.556 EDUCATION AND TREATMENT.

17 20 The program for drug prescribing and dispensing shall
17 21 include education initiatives and outreach to consumers,
17 22 ~~prescribers~~ prescribing practitioners, and pharmacists, and
17 23 shall also include assistance for identifying substance abuse
17 24 treatment programs and providers. The board and advisory
17 25 council shall adopt rules, as provided under section 124.554,
17 26 to implement this section.

17 27 Sec. 34. Section 124.558, Code 2007, is amended to read as
17 28 follows:

17 29 124.558 PROHIBITED ACTS == PENALTIES.

17 30 1. FAILURE TO COMPLY WITH REQUIREMENTS. A pharmacist,
17 31 pharmacy, or ~~prescriber~~ prescribing practitioner who knowingly
17 32 fails to comply with the confidentiality requirements of this
17 33 division or who delegates program information access to
17 34 another individual is subject to disciplinary action by the
17 35 appropriate professional licensing board. A pharmacist or
18 1 pharmacy that knowingly fails to comply with other
18 2 requirements of this division is subject to disciplinary
18 3 action by the board. Each licensing board may adopt rules in
18 4 accordance with chapter 17A to implement the provisions of
18 5 this section.

18 6 2. UNLAWFUL ACCESS, DISCLOSURE, OR USE OF INFORMATION. A
18 7 person who intentionally or knowingly accesses, uses, or
18 8 discloses program information in violation of this division,
18 9 unless otherwise authorized by law, is guilty of a class "D"
18 10 felony. This section shall not preclude a pharmacist or
18 11 ~~prescriber~~ prescribing practitioner who requests and receives
18 12 information from the program consistent with the requirements
18 13 of this chapter from otherwise lawfully providing that
18 14 information to any other person for medical or pharmaceutical
18 15 care purposes.

18 16 Sec. 35. Section 135.22B, subsections 6 and 7, Code 2007,
18 17 are amended to read as follows:

18 18 6. COST-SHARE COMPONENT ELIGIBILITY. An individual must
18 19 meet all of the following requirements in order to be eligible
18 20 for the cost-share component of the brain injury services

18 21 program:
18 22 a. The individual is age one month through sixty-four
18 23 years.
18 24 b. The individual has a diagnosed brain injury as defined
18 25 in section 135.22.
18 26 c. The individual is a resident of this state and either a
18 27 United States citizen or a qualified alien as defined in 8
18 28 U.S.C. } 1641.
18 29 ~~d. The cost-share component's financial eligibility~~
~~18 30 requirements shall be established in administrative rule. In~~
~~18 31 establishing the requirements, the department shall consider~~
~~18 32 the eligibility and cost-share requirements used for the~~
~~18 33 hawk-i program under chapter 514I. The individual must meet~~
18 34 meets the cost-share component's financial eligibility
18 35 requirements and be is willing to pay a cost-share for the
19 1 cost-share component.
19 2 e. The individual does not receive services or funding
19 3 under any type of medical assistance home and community-based
19 4 services waiver.
19 5 7. COST-SHARE REQUIREMENTS.
19 6 a. The cost-share component's financial eligibility
19 7 requirements shall be established in administrative rule. In
19 8 establishing the requirements, the department shall consider
19 9 the eligibility and cost-share requirements used for the
19 10 hawk-i program under chapter 514I.
19 11 ~~a-~~ b. An individual's cost-share responsibility for
19 12 services under the cost-share component shall be determined on
19 13 a sliding scale based upon the individual's family income. An
19 14 individual's cost-share shall be assessed as a copayment,
19 15 which shall not exceed thirty percent of the cost payable for
19 16 the service.
19 17 ~~b-~~ c. The service provider shall bill the department for
19 18 the portion of the cost payable for the service that is not
19 19 covered by the individual's copayment responsibility.
19 20 Sec. 36. Section 149.3, subsection 4, Code 2007, is
19 21 amended to read as follows:
19 22 4. Have successfully completed a residency as determined
19 23 by the board by rule. This subsection applies to all
19 24 applicants who graduate from ~~podiatric college~~ a school of
19 25 podiatry on or after January 1, 1995.
19 26 Sec. 37. Section 151.12, Code 2007, is amended to read as
19 27 follows:
19 28 151.12 TEMPORARY CERTIFICATE.
19 29 The chiropractic examiners may, in their discretion, issue
19 30 a temporary certificate authorizing the ~~licensee certificate~~
19 31 holder to practice chiropractic if, in the opinion of the
19 32 chiropractic examiners, a need exists and the person possesses
19 33 the qualifications prescribed by the chiropractic examiners
19 34 for the ~~license certificate~~, which shall be substantially
19 35 equivalent to those required for licensure under this chapter.
20 1 The chiropractic examiners shall determine in each instance
20 2 those eligible for this ~~license certificate~~, whether or not
20 3 examinations shall be given, the type of examinations, and the
20 4 duration of the ~~license certificate~~. No requirements of the
20 5 law pertaining to regular permanent licensure are mandatory
20 6 for this temporary ~~license certificate~~ except as specifically
20 7 designated by the chiropractic examiners. The granting of a
20 8 temporary ~~license certificate~~ does not in any way indicate
20 9 that the person ~~so licensed~~ is eligible for regular licensure,
20 10 nor are the chiropractic examiners in any way obligated to ~~so~~
20 11 ~~license~~ issue the person a regular license.
20 12 The temporary certificate shall be issued for one year and
20 13 at the discretion of the chiropractic examiners may be
20 14 renewed, but a person shall not practice chiropractic in
20 15 excess of three years while holding a temporary certificate.
20 16 The fee for this ~~license certificate~~ shall be set by the
20 17 chiropractic examiners, and if extended beyond one year, a
20 18 renewal fee per year shall be set by the chiropractic
20 19 examiners. The fee for the temporary ~~license certificate~~
20 20 shall be based on the administrative costs of issuing the
20 21 ~~licenses certificates~~.
20 22 Sec. 38. Section 161A.23, unnumbered paragraph 1, Code
20 23 2007, is amended to read as follows:
20 24 After obtaining agreements to carry out recommended soil
20 25 conservation measures and proper farm plans from owners of not
20 26 less than fifty percent of the lands situated in the
20 27 subdistrict, the governing body of the subdistrict shall have
20 28 the authority to establish a special tax for the purpose of
20 29 organization, construction, repair, alteration, enlargement,
20 30 extension and operation of present and future works of
20 31 improvement within the boundaries of said subdistrict. The

20 32 governing body shall appoint three appraisers to assess
20 33 benefits and classify the land affected by such improvements.
20 34 One of such appraisers shall be a competent ~~registered~~
20 35 licensed professional engineer and two of them shall be
21 1 resident landowners of the county or counties in which the
21 2 subdistrict is located but not living within nor owning or
21 3 operating any lands included in said subdistrict.

21 4 Sec. 39. Section 174.2, unnumbered paragraph 3, Code 2007,
21 5 is amended to read as follows:

21 6 No salary or compensation of any kind shall be paid to the
21 7 president, vice president, treasurer, or to a director of the
21 8 ~~association~~ fair for such duties. However, the president,
21 9 vice president, treasurer, or a director of the ~~association~~
21 10 fair may be reimbursed for actual expenses incurred by
21 11 carrying out duties under this chapter or chapter 173,
21 12 including, but not limited to attending the convention
21 13 provided under section 173.2. A person claiming expenses
21 14 under this paragraph shall be reimbursed to the same extent
21 15 that a state employee is entitled to be reimbursed for
21 16 expenses.

21 17 Sec. 40. Section 185C.29, unnumbered paragraph 1, Code
21 18 2007, is amended to read as follows:

21 19 After the direct and indirect costs incurred by the
21 20 secretary and the costs of elections, referendum referendums,
21 21 necessary board expenses, and administrative costs have been
21 22 paid, at least seventy-five percent of the remaining moneys
21 23 from a state assessment deposited in the corn promotion fund
21 24 shall be used to carry out the purposes of this chapter as
21 25 provided in section 185C.11.

21 26 Sec. 41. Section 210.12, Code 2007, is amended to read as
21 27 follows:

21 28 210.12 SALE OF FRUITS AND VEGETABLES IN BASKETS.
21 29 Grapes, other fruits, and vegetables may be sold in climax
21 30 baskets; but when said commodities are sold in such manner and
21 31 the containers are labeled with the net weight of the contents
21 32 in accordance with the provisions of section 189.9, all the
21 33 provisions of ~~the chapter relative to labeling foods~~ 191 shall
21 34 be deemed to have been complied with.

21 35 Sec. 42. Section 214.6, Code 2007, is amended to read as
22 1 follows:

22 2 214.6 OATH OF WEIGHMASTERS.
22 3 All persons keeping ~~public scales~~ a commercial weighing and
22 4 measuring device, before entering upon their duties as
22 5 weighmasters, shall be sworn before some person having
22 6 authority to administer oaths, to keep their ~~scales~~ device
22 7 correctly balanced, to make true weights, and to render a
22 8 correct account to the person having weighing done.

22 9 Sec. 43. Section 215.26, subsection 1, Code 2007, is
22 10 amended to read as follows:

22 11 1. "Commercial weighing and measuring device" means a
22 12 weight or measure or weighing or measuring device used to
22 13 establish size, quantity, area or other quantitative
22 14 measurement of a commodity sold by weight or measurement, or
22 15 where the price to be paid for producing the commodity is
22 16 based upon the weight or measurement of the commodity. The
22 17 term includes an accessory attached to or used in connection
22 18 with a commercial weighing or measuring device when the
22 19 accessory is so designed or installed that its operation may
22 20 affect the accuracy of the device. Commercial weighing and
22 21 measuring device includes a public scale ~~as defined under~~
22 22 ~~section 214.1.~~

22 23 Sec. 44. Section 218.58, subsection 2, Code 2007, is
22 24 amended to read as follows:

22 25 2. The director shall have plans and specifications
22 26 prepared by the department of administrative services for
22 27 authorized construction, repair, or improvement projects
22 28 costing over the competitive bid threshold in section 26.3, or
22 29 as established in section 314.1B. An appropriation for a
22 30 project shall not be expended until the department of
22 31 administrative services has adopted plans and specifications
22 32 and has completed a detailed estimate of the cost of the
22 33 project, prepared under the supervision of a registered
22 34 architect or ~~registered~~ licensed professional engineer. Plans
22 35 and specifications shall not be adopted and a project shall
23 1 not proceed if the project would require an expenditure of
23 2 money in excess of the appropriation.

23 3 Sec. 45. Section 232.133, subsection 2, Code 2007, is
23 4 amended to read as follows:

23 5 2. Except for appeals from orders entered in child in need
23 6 of assistance proceedings or orders entered pursuant to
23 7 section 232.117, appellate procedures shall be governed by the

23 8 same provisions applicable to appeals from the district court.
23 9 The supreme court may prescribe rules to expedite the
23 10 resolution of appeals from ~~final~~ orders entered in child in
23 11 need of assistance proceedings or orders entered pursuant to
23 12 section 232.117.

23 13 Sec. 46. Section 256.57, subsection 1, Code 2007, is
23 14 amended to read as follows:

23 15 1. An enrich Iowa program is established in the division
23 16 to provide direct state assistance to public libraries, to
23 17 support the open access and access plus programs, to provide
23 18 public libraries with an incentive to improve library
23 19 services, ~~and~~ that are in compliance with performance
23 20 measures, and to reduce inequities among communities in the
23 21 delivery of library services based on performance measures
23 22 adopted by rule by the commission. The commission shall adopt
23 23 rules governing the allocation of funds appropriated by the
23 24 general assembly for purposes of this section to provide
23 25 direct state assistance to eligible public libraries. A
23 26 public library is eligible for funds under this chapter if it
23 27 is in compliance with the commission's performance measures.

23 28 Sec. 47. Section 256.57, subsection 2, paragraph a, Code
23 29 2007, is amended to read as follows:

23 30 a. The level of compliance by the eligible public library
23 31 with the performance measures adopted by the commission as
23 32 provided in this ~~paragraph~~ section.

23 33 Sec. 48. Section 256.57, subsection 5, Code 2007, is
23 34 amended to read as follows:

23 35 5. Each eligible public library shall maintain a separate
24 1 listing within its budget for payments received and
24 2 expenditures made pursuant to this ~~subsection~~ section, and
24 3 shall annually submit this listing to the division.

24 4 Sec. 49. Section 262.58, Code 2007, is amended to read as
24 5 follows:

24 6 262.58 RATES AND TERMS OF BONDS OR NOTES.

24 7 Such bonds or notes may bear such date or dates, may bear
24 8 interest at such rate or rates, payable semiannually, may
24 9 mature at such time or times, may be in such form, carry such
24 10 registration privileges, may be payable at such place or
24 11 places, may be subject to such terms of redemption prior to
24 12 maturity with or without premium, if so stated on the face
24 13 thereof, and may contain such terms and covenants all as may
24 14 be provided by the resolution of the board authorizing the
24 15 issuance of the bonds or notes. In addition to the estimated
24 16 cost of construction, the cost of the project shall be deemed
24 17 to include interest upon the bonds or notes during
24 18 construction and for six months after the estimated completion
24 19 date, the compensation of a fiscal agent or adviser, and
24 20 engineering, administrative and legal expenses. Such bonds or
24 21 notes shall be executed by the president of the state board of
24 22 regents and attested by the executive director of the state
24 23 board of regents, secretary, or other official thereof

~~24 24 performing the duties of the executive director of the state~~

~~24 25 board of regents, and the coupons thereto attached shall be~~

~~24 26 executed with the original or facsimile signatures of said~~

~~24 27 president, and executive director, secretary, or other~~

~~24 28 official.~~ Any bonds or notes bearing the signatures of

24 29 officers in office on the date of the signing thereof shall be

24 30 valid and binding for all purposes, notwithstanding that

24 31 signatures appear thereon shall have ceased to be such

24 32 officers. Each such bond or note shall state upon its face

24 33 the name of the institution on behalf of which it is issued,

24 34 that it is payable solely and only from the net rents, profits

25 1 and income derived from the operation of residence halls or

25 2 dormitories, including dining and other incidental facilities,

25 3 at such institution as hereinbefore provided, and that it does

25 4 not constitute a charge against the state of Iowa within the

25 5 meaning or application of any constitutional or statutory

25 6 limitation or provision. The issuance of such bonds or notes

25 7 shall be recorded in the office of the treasurer of the

25 8 institution on behalf of which the same are issued, and a

25 9 certificate by such treasurer to this effect shall be printed

25 10 on the back of each such bond or note.

25 11 Sec. 50. Section 279.34, Code 2007, is amended to read as

25 12 follows:

25 13 279.34 MOTOR VEHICLES REQUIRED TO OPERATE ON ETHANOL

25 14 BLENDED GASOLINE.

25 15 A motor vehicle purchased by or used under the direction of

25 16 the board of directors to provide services to a school

25 17 corporation shall not, ~~on or after January 1, 1993,~~ operate on

25 18 gasoline other than ethanol blended gasoline as defined in

25 19 section 214A.1. The motor vehicle shall also be affixed with
25 20 a brightly visible sticker which notifies the traveling public
25 21 that the motor vehicle is being operated on ethanol blended
25 22 gasoline. However, the sticker is not required to be affixed
25 23 to an unmarked vehicle used for purposes of providing law
25 24 enforcement or security.

25 25 Sec. 51. Section 297.14, Code 2007, is amended to read as
25 26 follows:

25 27 297.14 BARBED WIRE.

25 28 No school attendance center fence shall be constructed of
25 29 barbed wire, nor shall any barbed wire fence be placed within
25 30 ten feet of any school attendance center. Any person
25 31 violating the provisions of this section shall be guilty of a
25 32 simple misdemeanor.

25 33 Sec. 52. Section 309.17, Code 2007, is amended to read as
25 34 follows:

25 35 309.17 ENGINEER == TERM.

26 1 The board of supervisors shall employ one or more
26 2 ~~registered licensed~~ civil engineers who shall be known as
26 3 county engineers. The board shall fix their term of
26 4 employment which shall not exceed three years, but the tenure
26 5 of office may be terminated at any time by the board.

26 6 Sec. 53. Section 321.30, Code 2007, is amended to read as
26 7 follows:

26 8 321.30 GROUNDS FOR REFUSING REGISTRATION OR TITLE.

26 9 1. The department or the county treasurer shall refuse
26 10 registration and issuance of a certificate of title or any
26 11 transfer of title and registration upon any of the following
26 12 grounds:

26 13 ~~1- a.~~ That the application contains any false or
26 14 fraudulent statement or that the applicant has failed to
26 15 furnish required information or reasonable additional
26 16 information requested by the department or that the applicant
26 17 is not entitled to registration and issuance of a certificate
26 18 of title of the vehicle under this chapter.

26 19 ~~2- b.~~ That the vehicle is mechanically unfit or unsafe to
26 20 be operated or moved upon the highways, providing such
26 21 condition is revealed by a member of this department, or any
26 22 peace officer.

26 23 ~~3- c.~~ That the department or the county treasurer has
26 24 reasonable ground to believe that the vehicle is a stolen or
26 25 embezzled vehicle or that the granting of registration and
26 26 issuance of a certificate of title would constitute a fraud
26 27 against the rightful owner.

26 28 ~~4- d.~~ That the registration of the vehicle stands
26 29 suspended or revoked for any reason as provided in the motor
26 30 vehicle laws of this state.

26 31 ~~5- e.~~ That the required fee has not been paid except as
26 32 provided in section 321.48.

26 33 ~~6- f.~~ That the required use tax has not been paid.

26 34 ~~7- g.~~ If application for registration and certificate of
26 35 title for a new vehicle is not accompanied by a manufacturer's
27 1 or importer's certificate duly assigned.

27 2 ~~8- h.~~ If application for a transfer of registration and
27 3 issuance of a certificate of title for a used vehicle
27 4 registered in this state is not accompanied by a certificate
27 5 of title duly assigned.

27 6 ~~9- i.~~ If application and supporting documents are
27 7 insufficient to authorize the issuance of a certificate of
27 8 title as provided by this chapter, except that an initial
27 9 registration or transfer of registration may be issued as
27 10 provided in section 321.23.

27 11 ~~10- j.~~ In the case of a mobile home or manufactured home,
27 12 that taxes are owing under chapter 435 for a previous year.

27 13 ~~11- k.~~ In the case of a mobile home or manufactured home
27 14 converted from real estate, real estate taxes which are
27 15 delinquent.

27 16 ~~12- l.~~ If a commercial motor vehicle has been assigned to
27 17 be operated by a commercial motor carrier whose ability to
27 18 operate has been terminated or denied by a federal agency.

27 19 ~~13- 2.~~ Unless otherwise provided for in this chapter, the
27 20 department or the county treasurer shall refuse registration
27 21 and issuance of a certificate of title unless the vehicle
27 22 bears a manufacturer's label pursuant to 49 C.F.R. pt. 567
27 23 certifying that the vehicle meets federal motor vehicle safety
27 24 standards.

27 25 3. The department or the county treasurer shall refuse
27 26 registration of a vehicle on the following grounds:

27 27 ~~14.~~ ~~The department or the county treasurer knows that an~~
27 28 ~~applicant for renewal of a registration has a delinquent~~
27 29 ~~account, charge, fee, loan, taxes, or other indebtedness owed~~

~~27 30 to or being collected by the state, from information received
27 31 pursuant to sections 8A.504 and 421.17. An applicant may
27 32 contest this action by requesting a contested case proceeding
27 33 from the agency that referred the debt for collection pursuant
27 34 to section 8A.504. This subsection shall apply only to a
27 35 renewal of registration and shall not apply to the issuance of
28 1 an original registration or to the issuance of a certificate
28 2 of title.~~

28 3 15. a. The department or the county treasurer shall
28 4 refuse registration of a vehicle if If the applicant is under
28 5 the age of eighteen years, unless the applicant has an Iowa
28 6 driver's license or the application is being made by more than
28 7 one applicant and one of the applicants is at least eighteen
28 8 years of age.

~~28 9 16. b. The department or the county treasurer shall also
28 10 refuse registration of a vehicle if If the applicant for
28 11 registration of the vehicle has failed to pay the required
28 12 registration fees of any vehicle owned or previously owned
28 13 when the registration fee was required to be paid by the
28 14 applicant, and for which vehicle the registration was
28 15 suspended or revoked under section 321.101, subsection 1,
28 16 paragraph "d", or section 321.101A, until the fees are paid
28 17 together with any accrued penalties.~~

28 18 Sec. 54. Section 321.40, unnumbered paragraph 6, Code
28 19 2007, is amended to read as follows:

28 20 The ~~department or the~~ county treasurer shall refuse to
28 21 renew the registration of a vehicle registered to the
28 22 applicant if the ~~department or the~~ county treasurer knows that
28 23 the applicant has a delinquent account, charge, fee, loan,
28 24 taxes, or other indebtedness owed to or being collected by the
28 25 state, from information provided pursuant to sections 8A.504
28 26 and 421.17. An applicant may contest this action by
28 27 requesting a contested case proceeding from the agency that
28 28 referred the debt for collection pursuant to section 8A.504.

28 29 Sec. 55. Section 321.101, subsection 3, unnumbered
28 30 paragraph 2, Code 2007, is amended to read as follows:

28 31 If a vehicle, for which the registration has been suspended
28 32 or revoked pursuant to subsection 1, paragraph "d", or section
28 33 321.101A, is transferred to a bona fide purchaser for value
28 34 without actual knowledge of such suspension or revocation,
28 35 then the vehicle shall be deemed to be registered and the
29 1 provisions of sections 321.28 and 321.30, ~~subsections 4
29 2 subsection 1, paragraphs "d" and 5 "e", shall not be
29 3 applicable to such vehicle for the failure of the previous
29 4 owner to pay the required fees.~~

29 5 Sec. 56. Section 331.610, Code 2007, is amended to read as
29 6 follows:

29 7 331.610 ABOLITION OF OFFICE OF RECORDER == IDENTIFICATION
29 8 OF OFFICE == PLACE OF FILING.

29 9 If the office of county recorder is abolished in a county,
29 10 the auditor of that county shall be referred to as the county
29 11 auditor and recorder. After abolition of the office of county
29 12 recorder, references in the Code requiring filing or recording
29 13 of documents with the county recorder shall be deemed to
29 14 require the filing in the office of the county auditor and
29 15 recorder, and all duties of the abolished office of recorder
29 16 shall be performed by the county auditor and recorder.
29 17 However, the board of supervisors may direct that any of the
29 18 duties of the abolished office of recorder prescribed in
29 19 section 331.602, subsection 9, 10, 11, or 16, or section
29 20 331.605, subsection 1, 2, 3, ~~or 4, or 5,~~ shall be performed by
29 21 other county officers or employees as provided in section
29 22 331.323.

29 23 Sec. 57. Section 357A.11, subsection 11, unnumbered
29 24 paragraph 1, Code 2007, is amended to read as follows:

29 25 Have authority to execute an agreement with a governmental
29 26 entity, including a county, city, sanitary ~~sewer~~ district, or
29 27 another district, for purposes of managing or administering
29 28 the works, facilities, or waterways which are useful for the
29 29 collection, disposal, or treatment of wastewater or sewage and
29 30 which are located within the jurisdiction of the governmental
29 31 entity or the district. The board may do what is necessary to
29 32 carry out the agreement, including but not limited to any of
29 33 the following:

29 34 Sec. 58. Section 357A.22A, unnumbered paragraph 2, Code
29 35 2007, is amended to read as follows:

30 1 A rural water district or rural water association
30 2 incorporated under this chapter or chapter 504 which provides
30 3 water service to cities, benefited fire districts, or
30 4 townships shall not be liable for a claim against the district
30 5 or association for failure to provide or maintain fire

30 6 hydrants, facilities, or an adequate supply of water or water
30 7 pressure for fire protection purposes if the purpose of the
30 8 hydrants, facilities, or water used is not for fire
30 9 protection. ~~Not later than July 1, 2006, the legislative~~
~~30 10 council shall provide for a review of the liability exemption~~
~~30 11 or limitation provided for rural water districts or rural~~
~~30 12 water associations under this paragraph and assess its effect~~
~~30 13 on the provision of fire protection in areas served by the~~
~~30 14 rural water districts or rural water associations.~~

30 15 Sec. 59. Section 358.16, unnumbered paragraph 7, Code
30 16 2007, is amended to read as follows:

30 17 However, in the event of an emergency when the delay of
30 18 notice and hearing might cause serious loss or injury to
30 19 persons or property within the district, the board of trustees
30 20 may perform any action which may be required under this
30 21 section without prior notice and hearing, and assess the cost
30 22 as provided in this section, following notice to the property
30 23 owner and hearing in the time and manner provided in the
30 24 preceding paragraph. In that event the board of trustees
30 25 shall, by resolution, make a finding of the necessity to
30 26 institute emergency proceedings under this section, and shall
30 27 procure a certificate from a competent ~~registered~~ licensed
30 28 professional engineer or registered architect certifying that
30 29 emergency action is necessary.

30 30 Sec. 60. Section 358.40, subsection 1, unnumbered
30 31 paragraph 1, Code 2007, is amended to read as follows:

30 32 After three years from the establishment of a sanitary
30 33 ~~sewer~~ district, a petition may be filed in the office of the
30 34 county auditor, addressed to the board of supervisors, signed
30 35 by a majority of persons owning land in the district and who
31 1 in aggregate own at least sixty percent of the land in the
31 2 district. The petition shall include the above facts and
31 3 recite each of the following:

31 4 Sec. 61. Section 384.37, subsection 5, Code 2007, is
31 5 amended to read as follows:

31 6 5. "Engineer" means a professional engineer, ~~registered~~
31 7 licensed in the state of Iowa, authorized by the council to
31 8 render services in connection with the public improvement.

31 9 Sec. 62. Section 384.103, subsection 2, unnumbered
31 10 paragraph 1, Code 2007, is amended to read as follows:

31 11 When emergency repair of a public improvement is necessary
31 12 and the delay of advertising and a public letting might cause
31 13 serious loss or injury to the city, the governing body shall,
31 14 by resolution, make a finding of the necessity to institute
31 15 emergency proceedings under this section, and shall procure a
31 16 certificate from a competent ~~registered~~ licensed professional
31 17 engineer or registered architect, not in the regular employ of
31 18 the city, certifying that emergency repairs are necessary.

31 19 Sec. 63. Section 403.19A, subsection 3, paragraphs e, f,
31 20 and k, Code 2007, are amended to read as follows:

31 21 e. (1) The employer shall certify to the department of
31 22 revenue that the targeted jobs withholding credit is in
31 23 accordance with the withholding agreement and shall provide
31 24 other information the department may require. Notice of any
31 25 withholding agreement shall be provided promptly to the
31 26 department of revenue following ~~its~~ execution of the agreement
31 27 by the pilot project city and the employer.

31 28 (2) Following termination of the withholding agreement,
31 29 the employer credits shall cease and any money received by the
31 30 pilot project city after termination shall be remitted to the
31 31 treasurer of state to be deposited into the general fund of
31 32 the state. Notice shall be provided promptly to the
31 33 department of revenue following termination.

31 34 f. If the employer ceases to meet the requirements of the
31 35 withholding agreement, the agreement shall be terminated and
32 1 any withholding tax credits for the benefit of the employer
32 2 shall cease. However, in regard to the number of new jobs
32 3 that are to be created, if the employer has met the number of
32 4 new jobs to be created pursuant to the withholding agreement
32 5 and subsequently the number of new jobs falls below the
32 6 required level, the employer shall not be considered as not
32 7 meeting the new job requirement until eighteen months after
32 8 the date of the decrease in the number of new jobs ~~employed~~
32 9 created.

32 10 k. At the time of submitting its budget to the department
32 11 of management, the pilot project city shall submit to the
32 12 department of management and the department of economic
32 13 development a description of the activities involving the use
32 14 of withholding agreements. The description shall include, but
32 15 is not limited to, the following:

32 16 (1) The total number of targeted jobs and a breakdown as

32 17 to those that are Iowa business expansions or retentions
32 18 within the city limits of the pilot project city and those
32 19 that are jobs resulting from established out-of-state
32 20 businesses moving to or expanding in Iowa.

32 21 (2) The number of withholding agreements and the amount of
32 22 withholding credits involved.

32 23 (3) The types of businesses that entered into ~~the~~
32 24 agreements, and the types of businesses that declined the
32 25 city's proposal to enter into ~~the an~~ agreement.

32 26 Sec. 64. Section 421.9, subsection 3, Code 2007, is
32 27 amended to read as follows:

32 28 3. The director may make application to the district court
32 29 or judicial magistrate in the county where the books, records,
32 30 or assets are located for an administrative search warrant as
32 31 authorized by section 808.14, to ensure equitable
32 32 administration of state tax law, if any of the following
32 33 occurs:

32 34 a. A person refuses to allow the director or the
32 35 director's authorized representative to audit the person's
33 1 books or records or to inspect or value the person's assets.

33 2 b. The director has good and sufficient reason to believe
33 3 that a person will not allow the department to audit books or
33 4 records or inspect or value assets or to believe that the
33 5 person will destroy books or records or secrete or transfer
33 6 assets.

33 7 4. Immediately upon issuance of a distress warrant
33 8 authorized by section 422.26, the director may make
33 9 application to the district court or judicial magistrate for
33 10 an administrative search warrant as authorized by section
33 11 808.14 to execute the distress warrant.

33 12 Sec. 65. Section 422.5, subsection 2A, unnumbered
33 13 paragraphs 1 and 2, Code 2007, are amended to read as follows:

33 14 However, the tax shall not be imposed on a resident or
33 15 nonresident who is at least sixty-five years old on December
33 16 31 of the tax year and whose net income, as defined in section
33 17 422.7, is twenty-four thousand dollars or less in the case of
33 18 married persons filing jointly or filing separately on a
33 19 combined return, ~~unmarried~~ heads of household, and surviving
33 20 spouses or eighteen thousand dollars or less in the case of
33 21 all other persons; but in the event that the payment of tax
33 22 under this division would reduce the net income to less than
33 23 twenty-four thousand dollars or eighteen thousand dollars as
33 24 applicable, then the tax shall be reduced to that amount which
33 25 would result in allowing the taxpayer to retain a net income
33 26 of twenty-four thousand dollars or eighteen thousand dollars
33 27 as applicable. The preceding sentence does not apply to
33 28 estates or trusts. For the purpose of this subsection, the
33 29 entire net income, including any part of the net income not
33 30 allocated to Iowa, shall be taken into account. For purposes
33 31 of this subsection, net income includes all amounts of
33 32 pensions or other retirement income received from any source
33 33 which is not taxable under this division as a result of the
33 34 government pension exclusions in section 422.7, or any other
33 35 state law. If the combined net income of a husband and wife
34 1 exceeds twenty-four thousand dollars, neither of them shall
34 2 receive the benefit of this subsection, and it is immaterial
34 3 whether they file a joint return or separate returns.

34 4 However, if a husband and wife file separate returns and have
34 5 a combined net income of twenty-four thousand dollars or less,
34 6 neither spouse shall receive the benefit of this paragraph, if
34 7 one spouse has a net operating loss and elects to carry back
34 8 or carry forward the loss as provided in section 422.9,
34 9 subsection 3. A person who is claimed as a dependent by
34 10 another person as defined in section 422.12 shall not receive
34 11 the benefit of this subsection if the person claiming the
34 12 dependent has net income exceeding twenty-four thousand
34 13 dollars or eighteen thousand dollars as applicable or the
34 14 person claiming the dependent and the person's spouse have
34 15 combined net income exceeding twenty-four thousand dollars or
34 16 eighteen thousand dollars as applicable.

34 17 In addition, if the married persons', filing jointly or
34 18 filing separately on a combined return, ~~unmarried~~ head of
34 19 household's, or surviving spouse's net income exceeds
34 20 twenty-four thousand dollars, the regular tax imposed under
34 21 this division shall be the lesser of the maximum state
34 22 individual income tax rate times the portion of the net income
34 23 in excess of twenty-four thousand dollars or the regular tax
34 24 liability computed without regard to this sentence. Taxpayers
34 25 electing to file separately shall compute the alternate tax
34 26 described in this paragraph using the total net income of the
34 27 husband and wife. The alternate tax described in this

34 28 paragraph does not apply if one spouse elects to carry back or
34 29 carry forward the loss as provided in section 422.9,
34 30 subsection 3.

34 31 Sec. 66. Section 422.11N, subsection 5, paragraph b,
34 32 unnumbered paragraph 1, Code 2007, is amended to read as
34 33 follows:

34 34 For a retail dealer whose tax year is not the same as a
34 35 determination period beginning on January 1 and ending on
35 1 December 31, the retail dealer shall calculate the tax credit
35 2 ~~twice~~, as follows:

35 3 Sec. 67. Section 422.11O, subsection 4, unnumbered
35 4 paragraph 1, Code 2007, is amended to read as follows:

35 5 For a retail dealer whose tax year is not on a calendar
35 6 year basis, the retail dealer shall calculate the tax credit
35 7 ~~twice~~, as follows:

35 8 Sec. 68. Section 422.12I, subsection 2, Code 2007, is
35 9 amended to read as follows:

35 10 2. The director of revenue shall draft the income tax form
35 11 to allow the designation of contributions to the veterans
35 12 trust fund on the tax return. The department of revenue, on
35 13 or before January 31, shall transfer the total amount
35 14 designated on the tax return forms due in the preceding
35 15 calendar year to the veterans trust fund created in section
35 16 35A.13. However, before a checkoff pursuant to this section
35 17 shall be permitted, all liabilities on the books of the
35 18 department of ~~revenue administrative services~~ and accounts
35 19 identified as owing under section ~~421.17~~ 8A.504 and the
35 20 political contribution allowed under section 68A.601 shall be
35 21 satisfied.

35 22 Sec. 69. Section 423.4, subsection 1, paragraphs b and c,
35 23 Code 2007, are amended to read as follows:

35 24 b. Such governmental unit, educational institution,
35 25 nonprofit Iowa affiliate, or nonprofit private museum shall,
35 26 not more than one year after the final settlement has been
35 27 made, make application to the department for any refund of the
35 28 amount of the sales or use tax which shall have been paid upon
35 29 any goods, wares, or merchandise, or services furnished, the
35 30 application to be made in the manner and upon forms to be
35 31 provided by the department, and the department shall forthwith
35 32 audit the claim and, if approved, issue a warrant to the
35 33 governmental unit, educational institution, nonprofit Iowa
35 34 affiliate, or nonprofit private museum in the amount of the
35 35 sales or use tax which has been paid to the state of Iowa
36 1 under the contract.

36 2 c. Refunds authorized under this subsection shall accrue
36 3 interest at the rate in effect under section 421.7 from the
36 4 first day of the second calendar month following the date the
36 5 refund claim is received by the department.

36 6 ~~e.~~ d. Any contractor who willfully makes a false report
36 7 of tax paid under the provisions of this subsection is guilty
36 8 of a simple misdemeanor and in addition shall be liable for
36 9 the payment of the tax and any applicable penalty and
36 10 interest.

36 11 Sec. 70. Section 423A.6, unnumbered paragraph 3, Code
36 12 2007, is amended to read as follows:

36 13 Section 422.25, subsection 4, sections 422.30, 422.67, and
36 14 422.68, section 422.69, subsection 1, sections 422.70, 422.71,
36 15 422.72, 422.74, and 422.75, section 423.14, subsection 1, and
36 16 sections 423.23, 423.24, 423.25, 423.31, 423.33, 423.35,
36 17 423.37 ~~to through~~ 423.42, and 423.47, consistent with the
36 18 provisions of this chapter, apply with respect to the taxes
36 19 authorized under this chapter, in the same manner and with the
36 20 same effect as if the state and local hotel and motel taxes
36 21 were retail sales taxes within the meaning of those statutes.
36 22 Notwithstanding this paragraph, the director shall provide for
36 23 quarterly filing of returns and for other than quarterly
36 24 filing of returns both as prescribed in section 423.31. The
36 25 director may require all persons who are engaged in the
36 26 business of deriving any sales price subject to tax under this
36 27 chapter to register with the department. All taxes collected
36 28 under this chapter by a retailer or any individual are deemed
36 29 to be held in trust for the state of Iowa and the local
36 30 jurisdictions imposing the taxes.

36 31 Sec. 71. Section 423D.4, unnumbered paragraph 3, Code
36 32 2007, is amended to read as follows:

36 33 Section 422.25, subsection 4, sections 422.30, 422.67, and
36 34 422.68, section 422.69, subsection 1, sections 422.70, 422.71,
36 35 422.72, 422.74, and 422.75, section 423.14, subsection 1, and
37 1 sections 423.23, 423.24, 423.25, 423.31 ~~to through~~ 423.35,
37 2 423.37 ~~to through~~ 423.42, and 423.47, consistent with the
37 3 provisions of this chapter, apply with respect to the tax

37 4 authorized under this chapter, in the same manner and with the
37 5 same effect as if the excise taxes on equipment sales or use
37 6 were retail sales taxes within the meaning of those statutes.
37 7 Notwithstanding this paragraph, the director shall provide for
37 8 quarterly filing of returns and for other than quarterly
37 9 filing of returns both as prescribed in section 423.31. All
37 10 taxes collected under this chapter by a retailer or any user
37 11 are deemed to be held in trust for the state of Iowa.

37 12 Sec. 72. Section 446.19A, subsection 3, Code 2007, is
37 13 amended to read as follows:

37 14 3. If after the date that a parcel is sold pursuant to
37 15 this chapter, or after the date that a parcel is sold under
37 16 section 446.18, ~~446.38~~, or 446.39, the parcel assessed as
37 17 residential property or as commercial multifamily housing
37 18 property is identified as abandoned or as a vacant lot
37 19 pursuant to a verified statement filed with the county
37 20 treasurer by a city or county in the form set forth in
37 21 subsection 2, a city or county may require the assignment of
37 22 the tax sale certificate that had been issued for such parcel
37 23 by paying to the holder of such certificate the total amount
37 24 due on the date the assignment of the certificate is made to
37 25 the county or city and recorded with the county treasurer. If
37 26 a certificate holder fails to assign the certificate of
37 27 purchase to the city or county, the county treasurer is
37 28 authorized to issue a duplicate certificate of purchase, which
37 29 shall take the place of the original certificate, and assign
37 30 the duplicate certificate to the city or county. If the
37 31 certificate is not assigned by the county or city pursuant to
37 32 subsection 4, the county or city, whichever is applicable, is
37 33 liable for the tax sale interest that was due the certificate
37 34 holder pursuant to section 447.1, as of the date of
37 35 assignment.

38 1 Sec. 73. Section 446.20, subsection 2, unnumbered
38 2 paragraph 2, Code 2007, is amended to read as follows:

38 3 Service of the notice shall also be made by mail on any
38 4 mortgagee having a lien upon the parcel, a vendor of the
38 5 parcel under a recorded contract of sale, a lessor who has a
38 6 recorded lease or memorandum of a recorded lease, and any
38 7 other person who has an interest of record, at the person's
38 8 last known address, if the mortgagee, vendor, lessor, or other
38 9 person has filed a request for notice, as prescribed in
38 10 section 446.9, subsection 3, ~~and on the state of Iowa in case~~
~~38 11 of a supplementary assistance lien by service upon the~~
~~38 12 department of human services.~~ The notice shall also be served
38 13 on any city where the parcel is situated. Failure to receive
38 14 a mailed notice is not a defense to the payment of the total
38 15 amount due.

38 16 Sec. 74. Section 455B.171, subsection 27, Code 2007, is
38 17 amended to read as follows:

38 18 27. "Semi-public sewage disposal system" means a system
38 19 for the treatment or disposal of domestic sewage which is not
38 20 a private sewage disposal system and which is not owned by a
38 21 city, a sanitary ~~sewer~~ district, or a designated and approved
38 22 management agency under section 1288 of the federal Water
38 23 Pollution Control Act (33 U.S.C. } 1288).

38 24 Sec. 75. Section 455B.183, subsection 1, paragraph a, Code
38 25 2007, is amended to read as follows:

38 26 a. The construction, installation, or modification of any
38 27 disposal system or public water supply system or part thereof
38 28 or any extension or addition thereto except those sewer
38 29 extensions and water supply distribution system extensions
38 30 that are subject to review and approval by a city or county
38 31 public works department pursuant to this section, the use or
38 32 disposal of sewage sludge, and private sewage disposal
38 33 systems. Unless federal law or regulation requires the review
38 34 and approval of plans and specifications, a permit shall be
38 35 issued for the construction, installation, or modification of
39 1 a public water supply system or part of a system if a
39 2 qualified, ~~registered~~ licensed engineer certifies to the
39 3 department that the plans for the system or part of the system
39 4 meet the requirements of state and federal law or regulations.
39 5 The permit shall state that approval is based only upon the
39 6 engineer's certification that the system's design meets the
39 7 requirements of all applicable state and federal laws and
39 8 regulations and the review of the department shall be
39 9 advisory.

39 10 Sec. 76. Section 455B.183, subsection 2, unnumbered
39 11 paragraph 1, Code 2007, is amended to read as follows:

39 12 Upon adoption of standards by the commission pursuant to
39 13 section 455B.173, subsections 5 to 8, plans and specifications
39 14 for sewer extensions and water supply distribution system

39 15 extensions covered by this section shall be submitted to the
39 16 city or county public works department for approval if the
39 17 local public works department employs a qualified, ~~registered~~
39 18 licensed engineer who reviews the plans and specifications
39 19 using the specific state standards known as the Iowa Standards
39 20 for Sewer Systems and the Iowa Standards for Water Supply
39 21 Distribution Systems that have been formulated and adopted by
39 22 the department pursuant to section 455B.173, subsections 5 to
39 23 8. The local agency shall issue a written permit to construct
39 24 if all of the following apply:

39 25 Sec. 77. Section 455B.183, subsection 4, Code 2007, is
39 26 amended to read as follows:

39 27 4. Plans and specifications for all other waste disposal
39 28 systems and public water supply systems, including sewer
39 29 extensions and water supply distribution system extensions not
39 30 reviewed by a city or county public works department under
39 31 this section, shall be submitted to the department before a
39 32 written permit may be issued. Plans and specifications for
39 33 public water supply systems and water supply distribution
39 34 system extensions must be certified by a ~~registered~~ licensed
39 35 engineer as provided in subsection 1, paragraph "a". The
40 1 construction of any such waste disposal system or public water
40 2 supply system shall be in accordance with standards formulated
40 3 and adopted by the department pursuant to section 455B.173,
40 4 subsections 5 to 8. If it is necessary or desirable to make
40 5 material changes in the plans or specifications, revised plans
40 6 or specifications together with reasons for the proposed
40 7 changes must be submitted to the department for a supplemental
40 8 written permit. The revised plans and specifications for a
40 9 public water supply system must be certified by a ~~registered~~
40 10 licensed engineer as provided in subsection 1, paragraph "a".

40 11 Sec. 78. Section 455B.803, subsection 2, paragraph b,
40 12 subparagraph (7), subparagraph subdivision (c), Code 2007, is
40 13 amended to read as follows:

40 14 (c) Confirmation that the vehicle recycler has submitted
40 15 switches at least once every twelve months since joining the
40 16 program.

40 17 Sec. 79. Section 455G.18, subsection 2, paragraph b, Code
40 18 2007, is amended to read as follows:

40 19 b. A professional engineer ~~registered~~ licensed in Iowa.

40 20 Sec. 80. Section 455G.18, subsection 8, Code 2007, is
40 21 amended to read as follows:

40 22 8. The board may provide for exemption from the
40 23 certification requirements of this section for a professional
40 24 engineer ~~registered~~ licensed pursuant to chapter 542B, if the
40 25 person is qualified in the field of geotechnical,
40 26 hydrological, environmental groundwater, or hydrogeological
40 27 engineering.

40 28 Sec. 81. Section 459.314B, subsection 3, Code 2007, is
40 29 amended to read as follows:

40 30 3. Knowingly employing or executing a contract with a
40 31 person who acts as a commercial manure service representative
40 32 and who is not certified pursuant to section 459.315.

40 33 Sec. 82. Section 459A.401, subsection 1, Code 2007, is
40 34 amended to read as follows:

40 35 1. All settleable solids from open feedlot effluent shall
41 1 be removed prior to discharge into ~~the waters~~ a water of the
41 2 state.

41 3 a. The settleable solids shall be removed by use of a
41 4 solids settling facility. The construction of a solids
41 5 settling facility is not required where existing site
41 6 conditions provide for removal of settleable solids prior to
41 7 discharge into ~~the waters~~ a water of the state.

41 8 b. The removal of settleable solids shall be deemed to
41 9 have occurred when the velocity of flow of the open feedlot
41 10 effluent has been reduced to less than point five feet per
41 11 second for a minimum of five minutes. A solids settling
41 12 facility shall have sufficient capacity to store settled
41 13 solids between periods of land application and to provide
41 14 required flow-velocity reduction for open feedlot effluent
41 15 flow volumes resulting from a precipitation event of less
41 16 intensity than a ten-year, one-hour frequency event. A solids
41 17 settling facility which receives open feedlot effluent shall
41 18 provide a minimum of one square foot of surface area for each
41 19 eight cubic feet of open feedlot effluent per hour resulting
41 20 from a ten-year, one-hour frequency precipitation event.

41 21 Sec. 83. Section 464A.5, Code 2007, is amended to read as
41 22 follows:

41 23 464A.5 APPRAISAL OF DAMAGES.

41 24 If, at the time of the hearing, the claims for damages
41 25 shall have been filed, further proceedings shall be continued

41 26 to an adjourned, regular, or special session, the date and
41 27 place of which shall be fixed at the time of adjournment and
41 28 of which all interested parties shall take notice, and the
41 29 commission shall have the damages appraised by three
41 30 appraisers to be appointed by the chief justice of the supreme
41 31 court. One of these appraisers shall be a ~~registered~~ licensed
41 32 civil engineer resident of the state and two shall be
41 33 freeholders of the state, who shall not be interested in nor
41 34 related to any person affected by the proposed project.

41 35 Sec. 84. Section 468.3, subsection 6, Code 2007, is
42 1 amended to read as follows:

42 2 6. The term "engineer" and the term "civil engineer",
42 3 within the meaning of this subchapter, parts 1 through 5,
42 4 subchapter II, parts 1, 4, 5, and 6, and subchapter V, shall
42 5 mean a person ~~registered~~ licensed as a professional engineer
42 6 under the provisions of chapter 542B.

42 7 Sec. 85. Section 479.29, subsection 2, Code 2007, is
42 8 amended to read as follows:

42 9 2. The county board of supervisors shall cause an on-site
42 10 inspection for compliance with the standards adopted under
42 11 this section to be performed at any pipeline construction
42 12 project in the county. A licensed professional engineer
42 13 familiar with the standards adopted under this section and
42 14 ~~registered~~ licensed under chapter 542B shall be responsible
42 15 for the inspection. A county board of supervisors may
42 16 contract for the services of a licensed professional engineer
42 17 for the purposes of the inspection. The reasonable costs of
42 18 the inspection shall be borne by the pipeline company.

42 19 Sec. 86. Section 501A.1101, subsection 4, paragraph c,
42 20 Code 2007, is amended to read as follows:

42 21 c. After the plan has been adopted, articles of merger or
42 22 consolidation stating the plan and that the plan was adopted
42 23 according to this subsection shall be signed by the
42 24 chairperson, vice chairperson, or records officer, ~~or~~
42 25 ~~documents officer~~ of each cooperative merging or
42 26 consolidating.

42 27 Sec. 87. Section 502.404, subsection 5, Code 2007, is
42 28 amended to read as follows:

42 29 5. LIMITS ON EMPLOYMENT OR ASSOCIATION. It is unlawful
42 30 for an individual acting as an investment adviser
42 31 representative, directly or indirectly, to conduct business in
42 32 this state on behalf of an investment adviser or a federal
42 33 covered investment adviser if the registration of the
42 34 individual as an investment adviser representative is
42 35 suspended or revoked or the individual is barred from
43 1 employment or association with an investment adviser or a
43 2 federal covered investment adviser by an order under this
43 3 chapter, the securities and exchange commission, or a
43 4 self-regulatory organization. Upon request from a federal
43 5 covered investment adviser and for good cause, the
43 6 administrator, by order issued, may waive, in whole or in
43 7 part, the application of the requirements of this subsection
43 8 to the ~~federal covered~~ investment adviser representative.

43 9 Sec. 88. Section 504.801, subsection 2, Code 2007, is
43 10 amended to read as follows:

43 11 2. Except as otherwise provided in this ~~subchapter~~ chapter
43 12 or subsection 3, all corporate powers shall be exercised by or
43 13 under the authority of, and the affairs of the corporation
43 14 managed under the direction of, its board.

43 15 Sec. 89. Section 507.16, Code 2007, is amended to read as
43 16 follows:

43 17 507.16 UNLAWFUL SOLICITATION OF BUSINESS.

43 18 It shall be unlawful for any officer, manager, agent, or
43 19 representative of any insurance company contemplated by this
43 20 chapter, who, with knowledge that its certificate of authority
43 21 has been suspended or revoked, or that it is insolvent, or is
43 22 doing an unlawful or unauthorized business, to solicit or
43 23 receive applications for insurance for the company, or to do
43 24 any other act or thing toward receiving or procuring any new
43 25 business for the company. The provisions of sections ~~511.16~~
43 26 505.7A and 511.17 are extended to all companies contemplated
43 27 by this chapter.

43 28 Sec. 90. Section 512B.25, Code 2007, is amended to read as
43 29 follows:

43 30 512B.25 ANNUAL LICENSE == RENEWAL.

43 31 The authority of a society to transact business in this
43 32 state may be renewed annually. A license terminates on the
43 33 ~~succeeding first day of June ± following issuance or renewal.~~
43 34 A society shall submit annually on or before March 1 a
43 35 completed application for renewal of its license. For each
44 1 license or renewal the society shall pay the commissioner a

44 2 fee of fifty dollars. A society that fails to timely file an
44 3 application for renewal shall pay an administrative penalty of
44 4 five hundred dollars to the treasurer of state for deposit in
44 5 the general fund of the state as provided in section 505.7. A
44 6 duly certified copy or duplicate of the license is prima facie
44 7 evidence that the licensee is a fraternal benefit society
44 8 within the meaning of this chapter.

44 9 Sec. 91. Section 533.27, unnumbered paragraph 1, Code
44 10 2007, is amended to read as follows:

44 11 With the exception of certain account records which shall
44 12 not be destroyed pursuant to section 533.26, liability shall
44 13 not accrue against any credit union destroying any ~~such~~
44 14 records after the expiration of the time provided in section
44 15 533.26, this section, and section 533.29. In any cause or
44 16 proceedings in which any such records or files may be called
44 17 into question or be demanded of the credit union or of any
44 18 officer or employee of the credit union, a showing that such
44 19 records or files have been destroyed in accordance with the
44 20 terms of such sections shall be a sufficient excuse for the
44 21 failure to produce them. Nothing herein shall require credit
44 22 unions to retain any class of records or files for the period
44 23 of limitations of actions provided herein; but any records,
44 24 files, or class of records not deemed necessary for the
44 25 conduct of the current business of credit unions, or future
44 26 examinations thereof, or for defense in the event of
44 27 litigation, may be destroyed within such period.

44 28 Sec. 92. Section 533A.2, subsection 3, Code 2007, is
44 29 amended to read as follows:

44 30 3. The application for a license shall be in the form
44 31 prescribed by the superintendent. If the applicant is not a
44 32 natural person, a copy of the legal documents creating the
44 33 applicant shall be filed with the application. The
44 34 application shall contain all of the following:

44 35 a. The name of the applicant.

45 1 b. If the applicant is not a natural person, the type of
45 2 business entity of the applicant and the date the entity was
45 3 organized.

45 4 c. The address where the business is to be conducted,
45 5 including information as to any branch office of the
45 6 applicant.

45 7 d. The name and resident address of the applicant's owner
45 8 or partners, or, if a corporation, association, or agency, of
45 9 the members, shareholders, directors, trustees, principal
45 10 officers, managers, and agents. ~~If the applicant is not a~~
45 11 ~~natural person, a copy of the legal documents creating the~~
45 12 ~~applicant shall be filed with the application.~~

45 13 e. Other pertinent information as the superintendent may
45 14 require, including a credit report.

45 15 Sec. 93. Section 533A.5, subsection 1, Code 2007, is
45 16 amended to read as follows:

45 17 1. To continue in the business of debt management, each
45 18 licensee shall annually apply on or before June 1 to the
45 19 superintendent for renewal of its license. The superintendent
45 20 may assess a late fee of ten dollars per day for applications
45 21 submitted and accepted for processing after June 1.

45 22 Sec. 94. Section 533A.9A, Code 2007, is amended to read as
45 23 follows:

45 24 533A.9A DONATIONS.

45 25 A donation shall not be charged to a debtor or creditor,
45 26 deducted from a payment to a creditor, deducted from the
45 27 debtor's account, or deducted from payments made to the
45 28 licensee pursuant to the debt management contract. If a
45 29 licensee requests a donation from a debtor, the licensee must
45 30 clearly indicate that any donation is voluntary and not a
45 31 condition or requirement for providing debt management.

45 32 Sec. 95. Section 544A.17, subsections 1 and 2, Code 2007,
45 33 are amended to read as follows:

45 34 1. Professional engineers ~~registered~~ licensed under
45 35 chapter 542B.

46 1 2. Persons acting under the instruction, control or
46 2 supervision of, and those executing the plans of, a registered
46 3 architect or a professional engineer ~~registered~~ licensed under
46 4 chapter 542B, provided that such unregistered or unlicensed
46 5 persons shall not be placed in responsible charge of
46 6 architectural or professional engineering work.

46 7 Sec. 96. Section 544A.18, subsection 5, Code 2007, is
46 8 amended to read as follows:

46 9 5. Factory built buildings which are not more than two
46 10 stories in height and not exceeding twenty thousand square
46 11 feet in gross floor area or which are certified by a
46 12 professional engineer ~~registered~~ licensed under chapter 542B.

46 13 Sec. 97. Section 544B.12, Code 2007, is amended to read as
46 14 follows:

46 15 544B.12 SEAL.

46 16 Every professional landscape architect shall have a seal,
46 17 approved by the board, which shall contain the name of the
46 18 landscape architect and the words "Professional Landscape
46 19 Architect, State of Iowa", and such other words or figures as
46 20 the board may deem necessary. All landscape architectural
46 21 plans and specifications, prepared by such professional
46 22 landscape architect or under the supervision of such
46 23 professional landscape architect, shall be dated and bear the
46 24 legible seal of such professional landscape architect.
46 25 Nothing contained in this section shall be construed to permit
46 26 the seal of a professional landscape architect to serve as a
46 27 substitute for the seal of a ~~licensed registered~~ architect, a
46 28 licensed professional engineer, or a licensed land surveyor
46 29 whenever the seal of an architect, engineer or land surveyor
46 30 is required under the laws of this state.

46 31 Sec. 98. Section 544B.20, subsections 1 and 3, Code 2007,
46 32 are amended to read as follows:

46 33 1. To apply to a professional engineer duly ~~registered~~
46 34 licensed under the laws of this state.

46 35 3. To prevent a registered architect or licensed
47 1 professional engineer from doing landscape planning and
47 2 designing.

47 3 Sec. 99. Section 602.11101, subsection 6, Code 2007, is
47 4 amended by striking the subsection.

47 5 Sec. 100. Section 617.3, unnumbered paragraph 5, Code
47 6 2007, is amended to read as follows:

47 7 The original notice of suit filed with the secretary of
47 8 state shall be in form and substance the same as provided in
47 9 rule of civil procedure ~~1.901~~ 1.1901, form 3, Iowa court
47 10 rules.

47 11 Sec. 101. Section 622.31, Code 2007, is amended to read as
47 12 follows:

47 13 622.31 EVIDENCE OF REGRET OR SORROW.

47 14 In any civil action for professional negligence, personal
47 15 injury, or wrongful death or in any arbitration proceeding for
47 16 professional negligence, personal injury, or wrongful death
47 17 against a person in a profession ~~represented~~ regulated by one
47 18 of the examining boards listed in section 272C.1 and or in any
47 19 other licensed profession recognized in this state, a hospital
47 20 licensed pursuant to chapter 135B, or a health care facility
47 21 licensed pursuant to chapter 135C, based upon the alleged
47 22 negligence in the practice of that profession or occupation,
47 23 that portion of a statement, affirmation, gesture, or conduct
47 24 expressing sorrow, sympathy, commiseration, condolence,
47 25 compassion, or a general sense of benevolence that was made by
47 26 the person to the plaintiff, relative of the plaintiff, or
47 27 decision maker for the plaintiff that relates to the
47 28 discomfort, pain, suffering, injury, or death of the plaintiff
47 29 as a result of an alleged breach of the applicable standard of
47 30 care is inadmissible as evidence. Any response by the
47 31 plaintiff, relative of the plaintiff, or decision maker for
47 32 the plaintiff to such statement, affirmation, gesture, or
47 33 conduct is similarly inadmissible as evidence.

47 34 Sec. 102. Section 622A.1, Code 2007, is amended to read as
47 35 follows:

48 1 622A.1 ~~DEFINITION~~ DEFINITIONS.

48 2 As used in this chapter, "~~legal proceeding~~" unless the
48 3 context otherwise requires:

48 4 1. "Administrative agency" means any department, board,
48 5 commission, or agency of the state or any political
48 6 subdivision of the state.

48 7 2. "Legal proceeding" means any action before any court,
48 8 or any legal action preparatory to appearing before any court,
48 9 whether civil, criminal, or juvenile in nature; and any
48 10 ~~administrative~~ proceeding before any state administrative
48 11 ~~agency or governmental subdivision~~ which is quasi-judicial in
48 12 nature and which has direct legal implications to any person.

48 13 Sec. 103. Section 627.6, subsection 9, Code 2007, is
48 14 amended to read as follows:

48 15 9. The debtor's interest in ~~the following:~~

48 16 a. ~~One one~~ motor vehicle, not to exceed in value seven
48 17 thousand dollars ~~in the aggregate.~~

48 18 b. 9A. In the event of a bankruptcy proceeding, the
48 19 debtor's interest in accrued wages and in state and federal
48 20 tax refunds as of the date of filing of the petition in
48 21 bankruptcy, not to exceed one thousand dollars in the
48 22 aggregate. This exemption is in addition to the limitations
48 23 contained in sections 642.21 and 537.5105.

48 24 Sec. 104. Section 654.15A, Code 2007, is amended to read
48 25 as follows:

48 26 654.15A NOTICE OF SALE TO JUNIOR CREDITORS.

48 27 A junior creditor may file and serve on the judgment
48 28 creditor a request for notice of the sheriff's sale. Such
48 29 request for notice shall include a facsimile number or
48 30 electronic mail address where the creditor shall be notified
48 31 of the sale. At least ten days prior to the date of sale, the
48 32 attorney for the junior creditor shall file proof of service
48 33 of such request for notice. Upon motion filed within thirty
48 34 days of the sale, the court may set aside a sale in which a
48 35 junior creditor who requests notice is damaged by the failure
49 1 of the sheriff or the judgment creditor to give notice
49 2 pursuant to this section.

49 3 Sec. 105. Section 654.17, Code 2007, is amended to read as
49 4 follows:

49 5 654.17 RECISION OF FORECLOSURE.

49 6 At any time prior to the recording of the sheriff's deed,
49 7 and before the mortgagee's rights become unenforceable by
49 8 operation of the statute of limitations, the judgment
49 9 creditor, or the judgment creditor who is the successful
49 10 bidder at the sheriff's sale, with the written consent of the
49 11 mortgagor may rescind the foreclosure action by filing a
49 12 notice of recision with the clerk of court in the county in
49 13 which the property is located along with a filing fee of fifty
49 14 dollars. In addition, such person shall pay a fee of
49 15 twenty-five dollars for documents filed in the foreclosure
49 16 action which the plaintiff requests returned. Upon the filing
49 17 of the notice of recision, the mortgage loan shall be
49 18 enforceable according to the original terms of the ~~foreclosure~~
49 19 mortgage loan and the rights of all persons with an interest
49 20 in the property may be enforced as if the foreclosure had not
49 21 been filed. However, any findings of fact or law shall be
49 22 preclusive for purposes of any future action unless the court,
49 23 upon hearing, rules otherwise. The mortgagor shall be
49 24 assessed costs, including reasonable attorney fees, of
49 25 foreclosure and recision if provided by the mortgage
49 26 agreement.

49 27 Sec. 106. Section 655A.3, subsection 3, Code 2007, is
49 28 amended to read as follows:

49 29 3. The mortgagee may file a written notice required in
49 30 subsection 1 together with proof of service on the mortgagor
49 31 with the recorder of the county where the mortgaged property
49 32 is located. Such a filing shall have the same force and
49 33 effect on third parties as an indexed notation entered by the
49 34 clerk of the district court pursuant to section 617.10 ~~and~~
49 35 ~~shall commence on, commencing from~~ the filing of proof of
50 1 service on the mortgagors and ~~terminate terminating~~ on the
50 2 filing of a rejection pursuant to section 655A.6, an affidavit
50 3 of completion pursuant to section 655A.7, or the expiration of
50 4 ninety days from completion of service on the mortgagors,
50 5 whichever occurs first.

50 6 Sec. 107. Section 726.6, subsection 7, Code 2007, is
50 7 amended to read as follows:

50 8 7. A person who commits child endangerment that is not
50 9 subject to penalty under subsection 4, 5, or 6 is guilty of an
50 10 aggravated misdemeanor.

50 11 Sec. 108. Section 802.2, Code 2007, is amended to read as
50 12 follows:

50 13 802.2 SEXUAL ABUSE == FIRST, SECOND, OR THIRD DEGREE.

50 14 1. An information or indictment for sexual abuse in the
50 15 first, second, or third degree committed on or with a person
50 16 who is under the age of eighteen years shall be found within
50 17 ten years after the person upon whom the offense is committed
50 18 attains eighteen years of age, or if ~~the identity of the~~
50 19 person against whom the information or indictment is sought is
50 20 ~~established identified~~ through the use of a DNA profile, an
50 21 information or indictment shall be found within three years
50 22 from the date the ~~identity of the~~ person is identified by the
50 23 person's DNA profile, whichever is later.

50 24 2. An information or indictment for any other sexual abuse
50 25 in the first, second, or third degree shall be found within
50 26 ten years after its commission, or if the ~~identity of the~~
50 27 person against whom the information or indictment is sought is
50 28 ~~established identified~~ through the use of a DNA profile, an
50 29 information or indictment shall be found within three years
50 30 from the date the ~~identity of the~~ person is identified by the
50 31 person's DNA profile, whichever is later.

50 32 3. As used in this section, "identified" means a person's
50 33 legal name is known and the person has been determined to be
50 34 the source of the DNA.

50 35 Sec. 109. Section 802.10, Code 2007, is amended to read as
51 1 follows:

51 2 802.10 DNA PROFILE OF ACCUSED.

51 3 1. As used in this section:

51 4 a. "DNA profile" means the same as defined in section
51 5 81.1.

51 6 b. "Identified" means the same as defined in section

51 7 802.2.

51 8 2. An indictment or information may be found containing
51 9 only the DNA profile of the person ~~charged~~ sought. When an
51 10 indictment or information is found containing only a DNA
51 11 profile, the limitation of any action under section 802.3 is
51 12 tolled.

51 13 3. However, notwithstanding subsection 2, an indictment or
51 14 information shall be found against a person within three years
51 15 from the date the ~~identity of the person charged~~ is identified
51 16 by the person's DNA profile ~~under section 802.3~~. If the
51 17 action involves sexual abuse, the indictment or information
51 18 shall be found as provided in section 802.2, if the person is
51 19 identified by the person's DNA profile.

51 20 Sec. 110. 2006 Iowa Acts, chapter 1112, section 2, is
51 21 amended to read as follows:

51 22 SEC. 2. Section 422.5, Code 2005, is amended by adding the
51 23 following new subsection:

51 24 NEW SUBSECTION. 2B. However, the tax shall not be imposed
51 25 on a resident or nonresident who is at least sixty-five years
51 26 old on December 31 of the tax year and whose net income, as
51 27 defined in section 422.7, is thirty-two thousand dollars or
51 28 less in the case of married persons filing jointly or filing
51 29 separately on a combined return, ~~unmarried~~ heads of household,
51 30 and surviving spouses or twenty-four thousand dollars or less
51 31 in the case of all other persons; but in the event that the
51 32 payment of tax under this division would reduce the net income
51 33 to less than thirty-two thousand dollars or twenty-four
51 34 thousand dollars as applicable, then the tax shall be reduced
51 35 to that amount which would result in allowing the taxpayer to
52 1 retain a net income of thirty-two thousand dollars or
52 2 twenty-four thousand dollars as applicable. The preceding
52 3 sentence does not apply to estates or trusts. For the purpose
52 4 of this subsection, the entire net income, including any part
52 5 of the net income not allocated to Iowa, shall be taken into
52 6 account. For purposes of this subsection, net income includes
52 7 all amounts of pensions or other retirement income received
52 8 from any source which is not taxable under this division as a
52 9 result of the government pension exclusions in section 422.7,
52 10 or any other state law. If the combined net income of a
52 11 husband and wife exceeds thirty-two thousand dollars, neither
52 12 of them shall receive the benefit of this subsection, and it
52 13 is immaterial whether they file a joint return or separate
52 14 returns. However, if a husband and wife file separate returns
52 15 and have a combined net income of thirty-two thousand dollars
52 16 or less, neither spouse shall receive the benefit of this
52 17 paragraph, if one spouse has a net operating loss and elects
52 18 to carry back or carry forward the loss as provided in section
52 19 422.9, subsection 3. A person who is claimed as a dependent
52 20 by another person as defined in section 422.12 shall not
52 21 receive the benefit of this subsection if the person claiming
52 22 the dependent has net income exceeding thirty-two thousand
52 23 dollars or twenty-four thousand dollars as applicable or the
52 24 person claiming the dependent and the person's spouse have
52 25 combined net income exceeding thirty-two thousand dollars or
52 26 twenty-four thousand dollars as applicable.

52 27 In addition, if the married persons', filing jointly or
52 28 filing separately on a combined return, ~~unmarried~~ head of
52 29 household's, or surviving spouse's net income exceeds
52 30 thirty-two thousand dollars, the regular tax imposed under
52 31 this division shall be the lesser of the maximum state
52 32 individual income tax rate times the portion of the net income
52 33 in excess of thirty-two thousand dollars or the regular tax
52 34 liability computed without regard to this sentence. Taxpayers
52 35 electing to file separately shall compute the alternate tax
53 1 described in this paragraph using the total net income of the
53 2 husband and wife. The alternate tax described in this
53 3 paragraph does not apply if one spouse elects to carry back or
53 4 carry forward the loss as provided in section 422.9,
53 5 subsection 3.

53 6 This subsection applies even though one spouse has not
53 7 attained the age of sixty-five, if the other spouse is at
53 8 least sixty-five at the end of the tax year.

53 9 Sec. 111. Section 13B.8A, Code 2007, is repealed.

53 10 Sec. 112. Sections 15E.131 through 15E.149, Code 2007, are

53 11 repealed.

53 12 Sec. 113. Sections 260F.10, 260G.10, and 446.38, Code
53 13 2007, are repealed.

53 14 Sec. 114. EFFECTIVE DATE. The section of this Act
53 15 amending 2006 Iowa Acts, chapter 1112, section 2, takes effect
53 16 January 1, 2009.

53 17 SF 333

53 18 lh:rj/cc/26